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Subject: USS Lead - Press

East Chicago press clips**US EPA Region 5 – prepared by the Office of Public Affairs****May 22, 2017****Northwest Indiana Times – Judge denies Superfund residents court intervention in EPA cleanup****Northwest Indiana Times – FDA warns certain lead tests could produce false low results****AP – Indiana Governor: New Law Will Aid Lead-Tainted Region****NUVO – Indiana's not-so-secret lead problem**

http://www.nwitimes.com/news/local/crime-and-courts/judge-denies-superfund-residents-court-intervention-in-epa-cleanup/article_cc9b6ebd-ee4d-5d1c-a3aa-112a81c473d5.html

Judge denies Superfund residents court intervention in EPA cleanup

- Lauren Cross, Northwest Indiana Times, May 19, 2017

EAST CHICAGO — Residents of the USS Lead Superfund site objected this week to a U.S. District magistrate judge's recent ruling that denies them the ability to intervene in court over EPA's ongoing cleanup of lead- and arsenic-contaminated properties.

Judge Paul Cherry argued in his May 2 order that residents failed to file in a timely manner despite having had sufficient notice of the U.S. Environmental Protection Agency's cleanup plan in 2012 and the subsequent consent decree filed between EPA and the companies responsible for the pollution two years later.

EPA issued news releases and sent out mailers, Cherry argued, and provided residents opportunity to chime in during public comment periods. A local newspaper published an article about the consent decree, Cherry added.

The 2014 consent decree — which secured \$26 million for cleanup — was negotiated between the EPA and companies responsible for the pollution.

"Motions to intervene must be timely," the judge argued, "...Intervention at this time would render worthless all of the parties' painstaking negotiations."

David Chizewer and Emily Gilman, of law firm Goldberg Kohn, Debbie Chizewer and Nancy Loeb with Northwestern University Pritzker Law School's Environmental Law Clinic and Mark Templeton with University of Chicago's Abrams Environmental Law Clinic — who are working pro bono on behalf of residents — pushed back in an objection filed Tuesday.

"Indeed, blasting a 'fact' sheet to the community, issuing a press release subject to the whim of reporter and resident reading habits, and resorting to notices in the Federal Register are not adequate or realistic ways to inform under-resourced individuals about the specific level and extent of contamination tainting their properties," attorneys wrote. Given those facts, it comes as "no surprise" that residents shocked and panicked when they were told, for the first time, in July, that families in the nearby West Calumet Housing Complex would have to permanently relocate due to contamination that EPA had been studying since 1985, the attorneys said.

The EPA has said it would alter its cleanup plan and ongoing groundwater study based on the results of a new health assessment being conducted by the Agency for Toxic Substances and Disease Registry.

"The clean-up remedies are changing and without a voice in the legal proceeding which governs those changes, the residents lose out on the ability to determine their own fate," the attorney wrote.

Residents in the city's East Calumet and Calumet neighborhoods first filed the motion to intervene in November, seeking a formal role in a cleanup process they say EPA has taken far too long to execute.

http://www.nwitimes.com/news/local/crime-and-courts/fda-warns-certain-lead-tests-could-produce-false-low-results/article_56e98a8e-7a7a-5bbc-8d0f-4e213c5cdb60.html

FDA warns certain lead tests could produce false low results

Lauren Cross, Northwest Indiana Times, May 19, 2017

Federal public health officials are warning health departments and care providers to stop using a commonly used brand of lead testing systems because they may produce false low results when used with venous blood draws.

The Federal Drug and Food Administration and the Centers for Disease Control and Prevention issued health alerts last week.

They urged parents of children under age 6, along with pregnant women or nursing mothers who have been tested for lead exposure using the Magellan Diagnostics' LeadCare analyzers, to consult a health care professional about whether they should be retested.

Neither the East Chicago or Indiana State health departments have ever used this particular brand of lead testing system for venous blood draws, spokespersons confirmed Friday.

Both agencies have tested a large number of adults and children in East Chicago over the past year since news first broke last summer of dangerously high lead levels in the soil at the USS Lead Superfund site. Because of the known lead toxins associated with the Superfund site, there have also been targeted efforts to test more children in East Chicago over the decades, according to EPA records.

"I have checked with the East Chicago Health Department, and we do not, and have not, used Magellan Diagnostics' LeadCare analyzers," Steve Segura, spokesman for the city, said in an email Friday.

Currently pregnant or nursing women or parents who had children tested through a private health care provider should discuss re-testing if they used a venous blood draw with this particular brand, the CDC warned.

Health officials have been urged to re-test children who were under age 6 at the time of the issued alert or had a venous blood lead test result of less than 10 micrograms per deciliter that was analyzed using a Magellan Diagnostics' LeadCare system.

The FDA's warning is "based on currently available data that indicate Magellan lead tests, when performed on blood drawn from a vein, may provide results that are lower than the actual level of lead in the blood."

The FDA believes the issue may date back to 2014, according to a news release.

An ISDH spokesman said Friday that LeadCare II systems were used in "some of the ISDH clinics offered in East Chicago but only for capillary tests, which are not affected by the advisory issued by the FDA."

East Chicago sends blood draw samples to ISDH's laboratory, Segura said. ISDH said it uses an ICP/MS, or Inductively Coupled Plasma — Mass Spectrometer, for analyzing blood lead levels.

The city's mayor last summer initiated free lead testing.

A total of 2,147 people have been tested between June 2016 and March, 15, 2017, according to city documents. Of those, 435 were children under age 7, and of those, 18 had blood lead levels at or above the CDC's action threshold of 5 micrograms per deciliter confirmed through venous blood draws, according to the city.

Fourteen children under age 7 who returned for confirmatory testing tested above the CDC's threshold of 5 micrograms per deciliter, according to city documents. A total of 56 children ages 7 through 18 tested at elevated levels either through a fingerprick test or a venous blood draw.

<https://www.usnews.com/news/best-states/indiana/articles/2017-05-19/indiana-governor-new-law-will-aid-lead-tainted-region>

Indiana Governor: New Law Will Aid Lead-Tainted Region

Gov. Eric Holcomb says a new state law will help a northwestern Indiana city deal with lead and arsenic contamination that's forcing residents from a public housing complex.

AP, May 19, 2017

EAST CHICAGO, Ind. (AP) — Gov. Eric Holcomb is praising a new state law that will help a northwestern Indiana city deal with lead and arsenic contamination that's forcing residents in a public housing complex from their homes.

Holcomb joined East Chicago officials for a ceremonial bill signing Thursday in a park that's within a Superfund site in the industrial city about 25 miles from downtown Chicago.

The new law will compel state environmental officials to help with the site cleanup and to test soil and water throughout East Chicago, The Post-Tribune reported (<http://trib.in/2qXBLIO>).

The bill also requires Indiana's housing authority to work with federal officials on relocating residents from the West Calumet Housing Complex, which was built on a site previously occupied by a lead-products factory.

Holcomb recently announced that a state agency plans to locate a new public housing development in East Chicago.

"We are getting things done because we are working shoulder to shoulder and taking these steps together," he said. State Rep. Earl Harris Jr., an East Chicago Democrat who sponsored the legislation, said it aims to provide relief to residents being forced from their homes due to the industrial contamination.

"We know that this problem did not happen in five minutes, in a week, in a month and we know that it's going to take a little bit of time to get through it and get back to where we should be," he said.

East Chicago Mayor Anthony Copeland said the legislation puts "everyone on notice that we work together as one."

"It's important we don't get a negative stigmatism so people don't want to come here," he said.

City officials began evacuating about 1,000 residents of the West Calumet complex last year after soil tests found some yards with lead levels over 70 times the U.S. safety standard. Lead exposure, even at low levels, can cause nervous system damage and lowered IQs.

http://www.nuvo.net/voices/indiana-s-not-so-secret-lead-problem/article_b680940a-3be2-11e7-9105-effcdd50f15b.html

Indiana's not-so-secret lead problem

- NUVO Julian Epp, May 18, 2017

Governor Eric Holcomb took a small step toward fixing water quality issues in Indiana last week by signing HEA 1344 and 1519. The first piece of legislation focuses on an ongoing crisis in East Chicago specifically, and the latter requires the creation of a plan to replace lead service lines across Indiana. While HEA 1344 may help prevent lead contamination through the city's soil, many communities' issues are with the pipes, which homes, schools, and businesses across Indiana have yet to replace after being banned in 1986. To properly address these infrastructure issues, legislators must be proactive, not just reactive.

After the utility company in Greentown, Indiana discovered lead in some customers' water, they failed to notify the school in order to test them. The school, which serves a town of less than 2,500 people, ended up testing the water themselves, which showed elevated lead levels in multiple locations. Blood testing also confirmed that a handful of students and faculty had gotten lead poisoning. The school then spent tens of thousands of dollars last year on water-related repairs, lead filters for the drinking fountains, and a polyphosphate injection system that is said to protect these older systems from corrosive water, making it less likely for water to strip lead from the pipes.

But other Indiana cities have not been as lucky with this method. East Chicago, Indiana began using sodium hexametaphosphate, a common polyphosphate salt, in September of 2015 to slow the release of lead in the water, but studies show that it can actually increase exposure in some cases. This quickly created a problem for East Chicago, as the Indiana Department of Environmental Management estimates that around 9,000 of its 11,000 water service pipes could be made of lead.

The Environmental Protection Agency has an "action level" of 15 parts per billion, with any water's lead level higher than that often requiring replacing individual portions of the unsafe service lines. According to the EPA, 18 of the 45 homes tested in East Chicago had at least one water sample exceeding this standard.

It has since declared the housing complex part of a "superfund site," meaning it requires clean up and poses a risk to residents' health and the environment. Like many other cases, officials failed to immediately inform the public of the dangerously high lead levels, leaving the 1,100, mostly black or Hispanic, tenants continually exposed for no reason. Donald Trump campaigned on many fleeting promises, one of them being a \$1 trillion investment in infrastructure, including airports, roads, bridges, and water. If true, this proposal would help to an extent, but an evaluation of Indiana's water utilities by the IFA found that the state alone requires over \$2.3 billion in immediate repairs to its water systems with an additional \$815 million needed to maintain them annually.

Instead of expanding funding for infrastructure as promised, the Trump administration has suggested a 31 percent budget cut to the EPA, as well as the elimination of the \$500 million Water and Wastewater loan and grant program which assists states in conducting quality tests and fulfilling federal requirements. The Indiana Department of

Environmental Management, which relies heavily on these grants and loans in order to support communities in need, handed out water filters to residents of the East Chicago housing complex last month, along with two replacement cartridges. Under normal use, these cartridges should last around one month each. After that, residents are stuck buying their own.

Once a crisis becomes apparent, a common defense is to show that the systems actually complied with the Safe Water Drinking Act and the EPA's Lead and Copper Rule. When children can still be poisoned, the rule is just not strong enough. In the same way that you wouldn't cure a terminal disease with a band-aid, you cannot fix Indiana's growing infrastructure problems by handing out water filters. If Governor Holcomb wishes to distinguish himself from Mike Pence, he should make an effort to care about the people he has sworn to represent.

Sincerely,

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